

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FILED  
JAN 10 2012  
2:11 PM

UNITED STATES OF AMERICA *ex rel.*  
Gregory Thorpe, et al.

Plaintiffs,

v.

SmithKline Beecham, Inc., et al.

Defendants.

**CIVIL ACTION NO.:**

**11-10398**

**FILED *IN CAMERA* AND  
UNDER SEAL**

**PURSUANT TO 31 U.S.C. 3720(b)(2)**

**HONORABLE RYA W. ZOBEL**

**PLAINTIFFS' MOTION FOR A PARTIAL UNSEALING**

COME NOW Plaintiffs, Gregory Thorpe and Blair Hamrick (collectively "Plaintiffs"), by and through their attorneys, and hereby move for a partial unsealing in this action to disclose Exhibit "A" hereto to a financial institution in furtherance of obtaining a subsistence loan due to Plaintiffs' financial duress. In support of this motion, Plaintiffs aver as follows:

1. This *qui tam* action was commenced under seal in the United States District Court for the District of Colorado on January 2, 2003.
2. The case has remained under seal since that time, although the government has obtained a partial unsealing of the instant matter to disclose the Plaintiffs' complaint to other *qui tam* plaintiffs.
3. On March 3, 2011, the case was transferred to this District.
4. On a date unknown to Plaintiffs, the government reached a tentative proposed civil settlement with Defendants Smith Kline Beecham, Inc. and

GlaxoSmithKline PLC d/b/a GlaxoSmithKline (“Defendants”) to resolve, *inter alia*, certain claims made in Plaintiffs’ Complaint.

5. On November 3, 2011, Defendant GlaxoSmithKline PLC d/b/a GlaxoSmithKline (“GSK”) issued a press release announcing the existence of a tentative proposed civil settlement with the United States Government.

6. On December 2, 2011, Plaintiffs executed a letter stating their agreement that the tentative proposed civil settlement of the claims made in their *qui tam* complaint is fair, adequate and reasonable (“FAR letter”). A redacted<sup>1</sup> copy of the FAR letter is attached hereto as Exhibit “A.”

7. Plaintiffs’ financial situations have significantly deteriorated during the nine years that this case has been pending under seal. Plaintiffs are unemployed, have been unemployed for several years, and as such are under extreme financial duress. Plaintiffs therefore respectfully request this Court to Order a limited partial lift of the seal to allow Relators to disclose Exhibit “A” to a financial institution in furtherance of obtaining a subsistence loan. Upon disclosure of Exhibit “A,” Plaintiffs shall instruct the financial institution to which it is disclosed that it cannot further disclose Exhibit, or any of the information contained therein, and that the letter and information contained therein is to be used solely for the purpose of making a determination on Plaintiffs’ respective loan applications.

8. Plaintiffs seek a limited partial unsealing because negotiations between the Government and Defendants to finalize settlement agreement are ongoing. It is unknown

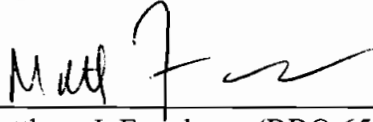
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<sup>1</sup> The FAR letter has been redacted to conceal the identities of two other relators in the related matter filed by Phillips & Cohen, consolidated under this caption.

at this time when the settlement will be finalized and when relator's share will be distributed to Plaintiffs.

9. Plaintiffs' counsel hereby certify that they consulted with counsel for the United States, which does not oppose this motion. Plaintiffs' counsel are excused from conferring with Defendants Smith Kline Beecham, Inc. and GlaxoSmithKline PLC d/b/a GlaxoSmithKline ("Defendants"), or their counsel, because this case is under seal and the Plaintiffs' identities are unknown to the Defendants.

Respectfully submitted,



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Date: 1-10-12

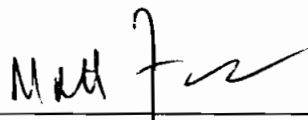


**CERTIFICATE OF SERVICE**

I, hereby certify that on this 10th day of January 2012, I caused to be served and delivered a true and correct copy of the foregoing Plaintiffs' Motion for Partial Unsealing upon the following by regular mail:

Sara Bloom, Esquire  
Assistant United States Attorney  
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District of Massachusetts  
Moakley Courthouse, Suite 700  
One Courthouse Way  
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U.S. Department of Justice  
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 1-10-12

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